

Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 INR-10 IO-14 JUSE-00
NSAE-00 CTME-00 SNM-05 TRSE-00 ICA-20 NSC-05
OES-09 OMB-01 DODE-00 PM-05 H-02 L-03 PA-02
SP-02 SS-15 AID-05 AGRE-00 HEW-06 /127 W
-----094981 242348Z /70

R 241102Z AUG 78
FM AMEMBASSY ISLAMABAD
TO SECSTATE WASHDC 8792
INFO DEA HQS WASHDC
AMEMBASSY PARIS

UNCLAS ISLAMABAD 8305

POSTS FOR DEA, HQS FOR ENM AND IGIE

E.O. 11652: N/A
TAGS: SNAR, PK
SUBJ: PAKISTAN'S NEW NARCOTICS ORDINANCE

REF: ISLAMABAD 7398

1. RAOOF ALI, CHAIRMAN OF THE PNCB, BRIEFED US ON THE
NEW NARCOTICS LEGISLATION EXPECTED TO BE PROMULGATED
SOON. THE FOLLOWING IS A REPORT ON THE LAW BASED ON
DISCUSSIONS WITH ALI: PAKISTAN'S NEW ORDINANCE "TO
CONSOLIDATE THE LAW RELATING TO THE CONTROL OF CERTAIN
OPERATIONS RELATING TO NARCOTIC DRUGS" HAS BEEN
APPROVED BY CHIEF MARTIAL LAW ADMINISTRATOR GEN. ZIA-UL-HAQ.
THE NEW CABINET, WHICH WAS ANNOUNCED AUGUST 23, WILL
VOTE ON THE ORDINANCE TO FORMALIZE ITS STATUS BEFORE
IT IS OFFICIALLY PROMULGATED. THE APPROVAL OF THE
EXECUTIVE BRANCH OF THE GOVERNMENT IS ALL THAT IS
NECESSARY TO PROMULGATE THE LAW WHEN THE NATIONAL
ASSEMBLY IS NOT IN SESSION. THE NATIONAL ASSEMBLY
WILL BE REQUIRED TO VOTE ON THE ORDINANCE WHEN IT
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BEGINS MEETING AGAIN.

2. THE ORDINANCE IS A LONG-CONTEMPLATED AND
NECESSARY CHANGE IN PAKISTAN'S NARCOTICS CONTROL
LAWS. PRIOR TO THIS NARCOTICS ORDINANCE THE
DIFFERENT LAWS, OPIUM ACTS OF 1847 AND 1878, AND
THE DANGEROUS DRUGS ACT OF 1930, MADE UP THE BODY

OF FEDERAL LAW ON NARCOTICS (REFTEL). THE NEW ORDINANCE BOTH CONSOLIDATES AND UPDATES PAKISTAN'S NARCOTICS LAWS. THE PAKISTAN NARCOTICS CONTROL BOARD WILL BE GIVEN LEAD AGENCY STATUS FOR THE FIRST TIME WHICH ENABLES TI TO ADVISE, SUPERVISE, COORDINATE AND CONTROL ALL ACTIVITIES INVOLVING NARCOTICS, LICIT AND ILLICIT.

3. FOR THE FIRST TIME UNDER THE NEW NARCOTICS LAW FEDERAL OFFICIALS WILL BE ABLE TO DEFINE MANUFACTURED DRUGS TO INCLUDE PSYCHOTROPIC DRUGS. PREVIOUS LAWS DEALT ALMOST SOLELY WITH OPIUM AND ITS DERIVATIVES.

4. THE FEDERAL GOVERNMENT WILL HAVE CONTROL OF PRODUCTION AND SUPPLY OF OPIUM MANUFACTURED DRUGS, OPERATIONS AT FRONTIERS AND EXTERNAL DEALINGS IN NARCOTICS DRUGS. THE PROVINCIAL GOVERNMENTS WILL RETAIN CONTROL OF THE TRANSPORT, SALE AND POSSESSION OF OPIUM AND INTERNAL TRAFFIC IN MANUFACTURED DRUGS.

5. THE PENALTIES FOR OFFENCES UNDER THE NARCOTICS ORDINANCE ARE MUCH STIFFER THAN UNDER PREVIOUS LAWS. MAXIMUM PENALTIES UNDER THE OLD LAWS WERE TWO YEARS. THE NEW ORDINANCE MANDATES A SENTENCE OF UP TO UNCLASSIFIED

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SEVEN YEARS AND A FINE FOR MANUFACTURE, PRODUCTION OR POSSESSION FOR SALE OF ANY MANUFACTURED OR NARCOTIC DRUG. IMPORTATION OR EXPORTATION INTO OR FROM PAKISTAN OR BETWEEN PROVINCES AND PREPARATION OF MANUFACTURED DRUGS WHICH ARE CONTROLLED BY THE FEDERAL GOVERNMENT IS PUNISHABLE BY UP TO TEN YEARS IMPRISONMENT. SUBSEQUENT CONVICTIONS ARE PUNISHABLE BY SENTENCES OF FROM SEVEN TO FOURTEEN YEARS. AN ATTEMPT TO COMMIT AN OFFENSE UNDER THE NARCOTICS ORDINANCE OR ABETMENT OF AN OFFENSE IS PUNISHABLE IN THE SAME MANNER AS AN ACTUAL OFFENSE. THE ORDINANCE GIVES THE FEDERAL GOVERNMENT THE AUTHORITY TO DEPORT FOREIGNERS ARRESTED UNDER THE NARCOTICS ORDINANCE WITHOUT A TRIAL OR CONVICTION.

6. THE NEW CABINET WAS SWORN IN ON AUGUST 23. THE ORDINANCE IS NOW SCHEDULED FOR PRESENTATION TO THE CABINET AND APPROVAL IS EXPECTED ON AUGUST 27. GEN. ZIA WILL AUTHENTICATE THE ORDINANCE AS SOON AS IT HAS CABINET APPROVAL AND IT WILL IMMEDIATELY BECOME LAW.

7. EMBASSY IS POUCHING A COPY OF THE NEW ORDINANCE

TO NEA/PAB. COMMENT: THE LEGISLATION WHEN FINALIZED
COULD CONSIDERABLY BENEFIT THE MISSION'S NARCOTICS
CONTROL PROGRAM. THE LAW UNEQUIVOCALLY GIVES
PNCB THE LEAD AGENCY ROLE IN ALL MATTERS PERTAINING
TO NARCOTICS. PNCB WILL NOW BE ABLE TO MAKE ARRESTS
AND WILL COORDINATE AND SUPERVISE AN INTERAGENCY
COMMITTEE CONSISTING OF REPRESENTATIVES FROM ALL
CONCERNED MINISTRIES.

8. IT SHOULD BE REMEMBERED THAT PNCB WILL REMAIN A
PAPER DRAGON UNLESS THE GOP GIVES IT TEETH, THE MONEY
AND MATERIAL SUPPORT NECESSARY TO CARRY OUT THE
FUNCTIONS MANDATED BY THE ORDINANCE. WITHOUT THE
NECESSARY BUDGET PNCB WILL BE UNABLE TO CARRY OUT AN
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EFFECTIVE ENFORCEMENT CAMPAIGN.
HUMMEL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NARCOTICS, REPORTS, LAW
Control Number: n/a
Copy: SINGLE
Draft Date: 24 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 jan 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978ISLAMA08305
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780347-0732
Format: TEL
From: ISLAMABAD
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780829/aaaaaxwz.tel
Line Count: 138
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 0612a45c-c288-dd11-92da-001cc4696bcc
Office: ACTION NEA
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 78 ISLAMABAD 7398
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 19 jul 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1635916
Secure: OPEN
Status: NATIVE
Subject: PAKISTAN'S NEW NARCOTICS ORDINANCE
TAGS: SNAR, PK
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/0612a45c-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014